

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)	
)	
v.)	
)	I.D. No. 2003012784
)	
MARVIN SNEAD,)	
)	
Defendant.)	

ORDER

Submitted: January 12, 2023

Decided: April 12, 2023

AND NOW TO WIT, this 12th day of April 2023, upon consideration of Marvin Snead (“Defendant”)’s Motion for Modification of Sentence under Superior Court Criminal Rule 35, the sentence imposed upon the Defendant, and the record in this case, it appears to the Court that:

1. On February 14, 2022, Defendant pled guilty to Strangulation.¹ On December 9, 2022, Defendant was sentenced to eight years at Level V, suspended after six months, for seven years and six months at Level IV DOC Discretion, suspended after one year, followed by one-year Level III probation.²

2. On January 12, 2023, Defendant filed a letter asking the Court to

¹ D.I. 19.

² D.I. 21.

modify his Level IV DOC Discretion to Level IV Home Confinement.³ In support of his request, he asserts that he wants to rebuild his relationship with his four children, help his elderly mother who solely raises one of his children, and work again as an independent contractor.⁴ Although Defendant does not cite to Superior Court Criminal Rule 35(b) in his letter, the Court considers his modification request under Superior Court Criminal Rule 35(b).⁵

3. Defendant is not seeking to modify or reduce his Level V sentence but rather requests a modification of his Level IV sentence. Therefore, he can file a Motion to Modify his Sentence at any time.⁶

4. Defendant's sentence was imposed pursuant to a Plea Agreement between the State and Defendant.⁷ After an appropriate colloquy, the Court addressed Defendant in open court pursuant to Superior Court Criminal Rule 11(c)(1) and determined that he understood the nature of the charge to which the plea was offered.⁸ Defendant fully acknowledged in open court that the range of possible penalties included the sentence that was imposed by the Court in this

³ D.I. 24.

⁴ *Id.*

⁵ *Jones v. State*, 825 A.2d 238, 2003 WL 21210348, at *1 (Del. May 22, 2003) (Table) (“There is no separate procedure, other than that which is provided under Superior Court Criminal Rule 35, to reduce or modify a sentence.”).

⁶ Del. Super. Crim. R. 35(b) (providing that the Court may reduce the “term or conditions of partial confinement or probation, at any time”).

⁷ D.I. 19.

⁸ *See id.*

case.⁹

5. The current sentence is flexible to allow DOC to determine whether home confinement is an appropriate placement, and DOC is to make this administrative decision in the first instance. The Court will not modify the Order to make it less flexible. As such, the sentence was and remains appropriate for all the reasons stated at the time of sentencing.

IT IS SO ORDERED that the Motion for Modification of Sentence is **DENIED**.

/s/ Vivian L. Medinilla
Vivian L. Medinilla
Judge

oc: Prothonotary
cc: Defendant
Department of Justice
Investigative Services Office

⁹ See D.I. 19.